

REMARKS

The specification has been amended to remove typographical errors and to make the summary of embodiments consistent with the current state of the claims.

A revised Figure 4 is attached to this office action as Appendix A. Figure 4 was revised to include a return path to step 402 from steps 408 and 410 to make Figure 4 more consistent with the text of the specification. Also, the text associated with step 406 was revised to include "Register State(s)" to make consistent with the text associated with step 402 in Figure 4. Support for this amendment can be found in the specification at least at page 10. Thus, no new matter has been added. The Examiner is respectfully requested to approve the proposed drawing changes.

The Examiner has withdrawn all previous rejections and has issued new grounds of rejections. Accordingly, Applicant assumes that the rejections based on Heitman *et al.* (U.S. Patent 5,449, 112) have been overcome by Applicant's arguments in response to the office action, dated January 26, 2005.

Applicant thanks the Examiner for pointing out the error Applicant made in claim 12 in the previous response. Applicant inadvertently copied the body of claim 1 into claim 12. Claim 12 has been amended from its original form as filed. Applicant respectfully requests the Examiner to examine claim 12 against all cited prior art in view of any arguments made by Applicant herein or in Applicant's previous response.

In paragraph 1 of the office action, the Examiner rejected claims 1, 2, 6, 9-13, 19 and 20 under 35 U.S.C. 102(e) as being anticipated by Brinkerhoff *et al.* (U.S. Patent 6,692,349) *al.* Applicant respectfully traverses these rejections.

Brinkerhoff discloses a computer controlled air vent wherein a wireless remote controller is used to open and close the vent based on temperature comparisons. Col. 4, lines 35-58.

Independent Claim 1 recites:

1. (Original) An automated air flow system for controlling the flow of conditioned air into multiple zones of a structure, comprising:

an automated register configured to receive temperature data from at least one temperature sensor in at least one zone and to control the flow of conditioned air into the at least one zone in response to the temperature data; and

a base station in communication with the automated register and adapted to be coupled to an air flow source for providing the conditioned air, the base station configured to receive status data from the automated register and to control the air flow source based on the status data.

These claimed features provide a superior commercial advantage for at least the residential market in that one simply replaces the cheap standardized registers with automated registers and the existing thermostat with a base station. The register status data is used to control the air flow source. For example, the air flow source can be shut off when all rooms with installed registers reach their respective target temperatures, resulting in significant cost savings to the homeowner.

Brinkerhoff fails to disclose or suggest a base station configured “to control the air flow source based on the status data,” as claimed. Rather, Brinkerhoff expressly *teaches away* from Applicant’s claimed invention by stating:

The remote controller 14 does not replace nor control the central thermostat typically associated with the HVAC system. Rather, the central thermostat operates as normal. The remote controller 14 simply operates to monitor a user-specific target temperature for the room in which it is placed and to divert conditioned air to other channels of the HVAC system when the room’s target temperature is reached, by signaling the force generating means to close the vent’s air louvers. Furthermore, the remote controller 14 does not turn the HVAC unit ON or OFF. Instead, the HVAC unit takes all of its ON and OFF commands from the central thermostat as normal.

Col. 4, line 66 through Col. 5, line 11 (emphasis added.).

By contrast, some embodiments of Applicant’s claimed invention are specifically designed to replace the existing thermostat with the claimed “base station” to enable the air flow source (*e.g.*, the HVAC) to be controlled (*e.g.*, turned-off) based on register status.

The failure of Brinkerhoff to disclose or suggest each and every element of claim 1 vitiates any basis for rejection of claim 1 under 35 U.S.C. 102(e). Applicant respectfully requests the withdrawal of the rejections of claim 1 and allowance of claim 1 as originally filed.

Claims 2-9 depend on claim 1 and include all the limitations of claim 1. Therefore, claims 2-9 are allowable for at least the same reasons as claim 1 and for the independent subject matter recited therein.

Claim 10 includes the limitation “responsive to the closure of the automated register, preventing the air source from providing conditioned air to the zones.” Claim 12 includes the limitation “the base station configured to turn-off the air source in response to status data

from the automated registers indicating that all the zones have reached their respective target temperatures.” Neither Brinkerhoff nor Heitman disclose or suggest these limitations.

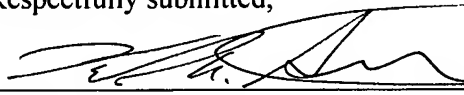
The failure of Brinkerhoff and Heitman to disclose or suggest each and every element of claims 10 and 12 vitiates any basis for rejection of claims 10 and 12 under 35 U.S.C. 102(e). Applicant respectfully requests the withdrawal of the rejections of claims 10 and 12, and allowance of claims 10 and 12, as amended.

Claim 11 and claims 13-20 depend on claims 10 and 12, respectively, and include all the limitations of claims 10 and 12. Therefore, claims 11, 13-20, are allowable for at least the same reasons as claims 10 and 12 and for the independent subject matter recited therein.

In light of the above remarks, Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

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Kirk A. Gottlieb, Esq.
606 View Ridge Drive
Pacifica, CA 94044
(650) 557-9956

42,596
(Reg. No.)